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Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9
OF THE CONVENTION

Ninth periodic report of States parties due in 1996

Addendum

Israel*

[5 August 1997]

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* This document contains the seventh, eighth and ninth periodic reports, submitted in one document, due on 2 February 1992, 1994 and 1996, respectively. For the fifth and sixth periodic reports of Israel, submitted in one document, and the summary records of the meetings at which the Committee considered that report, see CERD/C/192/Add.2 and CERD/C/SR.929-932, 935, 936.

The annex and reference documentation provided by Israel may be consulted in the files of the Office of the High Commissioner for Human Rights.

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Introduction

1. This report is submitted pursuant to article 9, paragraph 1 (b), of the International Convention on the Elimination of all Forms of Racial Discrimination which entered into force with regard to Israel on 2 February 1979.

2. The present report supplements the initial report submitted by Israel in 1980 and the reports submitted in 1982, 1984 and 1991.

I. GENERAL

3. The Government of Israel is committed to the elimination of all forms of racism and intolerance. The Declaration of the Establishment of the State of Israel provides that "the State of Israel will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex". Racism is anathema to the raison d'être and guiding principles of the State and it is combated by a combination of legislation, administrative action and education.

4. As of June 1996, the total population of Israel numbered approximately 5,685,000. There are no statistics as to the colour or racial origin of the population. However, the statistical information available shows that of the total population 4,598,000 were Jews and 1,087,000 were non-Jews.

5. Of the Jewish population, 61.2 per cent were born in Israel, 12.8 per cent were born in Asian-African countries and 26 per cent were born in European-American countries. Of the non-Jewish population approximately 781,000 are Muslims, Bedouin Arab comprising nearly 10 per cent of the Muslim population. A further 157,000 are Christians of whom 150,000 are Christian Arabs. Some 91,000 are Druze.

Year	Total population	Arab population	Arab as % of total population
1990	4 821 700	795 800	16.5
1991	5 058 800	812 700	16
1992	5 159 900	841 500	16.1
1993	5 327 600	868 800	16.3
1994	5 471 500	899 400	16.4
1995	5 610 000	932 600	16.6
1996	5 685 000	1 022 000	17.9

6. Israel is a parliamentary democracy based on universal suffrage. The executive branch, the Government, is subject to the confidence of the parliament (the Knesset). The judiciary in Israel is independent and judges are appointed for life with mandatory retirement at age 70. The Supreme Court

is the highest court of appeal on rulings of lower tribunals. The Supreme Court also functions as a High Court of Justice. In this function, the Court hears petitions against government and public bodies. The Supreme Court also has authority to determine whether a law passed by the Knesset contradicts a Basic Law of the State.

7. Israel is a multicultural, multi-religious and multilingual society. Matters of personal status of Christians, Druze, Jews, and Muslims are determined by denominational courts of the respective communities. Arabic is one of Israel's two official languages. The State has schools where Arabic is the language of instruction. Arab parents may also choose to send their children to schools where Hebrew is the language of instruction. There are well established and successful mass media, literature and theatre in the Arabic language.

II. INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION

Articles 2 and 4

8. Traditionally, protection of human rights has been assured in Israel by the intervention of the Supreme Court acting as a High Court of Justice. In recent years this has been supplemented by the enactment of Basic Laws. A landmark effort to combat racism was the amendment to Basic Law: The Knesset that banned any Knesset party list which through its aims or by its actions, specifically or implicitly incites to racism. The enactment of this law was successful in preventing the racist Kahana (Kach) movement from running in elections.

9. Article 5 (2) of the recently enacted Political Parties Law, 1992, stipulates that a political party shall not be registered by the Registrar of Political Parties if its objectives contain explicit or implicit incitement to racism or if its behaviour reflects such incitement.

10. Since the last report, submitted in 1991, Israel has ratified the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

11. A major legislative development in the efforts to ensure non-discrimination since the submission of the last report by Israel, was the passing of two Basic Laws: Basic Law: Freedom of Occupation and Basic Law: Human Dignity and Freedom, a copy of which is attached as Annex I. A further legislative act was the adoption of the 1995 Amendment to the Equal Opportunity in Employment Law, 1988. The amendment introduces a prohibition of discrimination on grounds of race, religion, nationality, country of origin, beliefs, political views, political party affiliation or age, in addition to the already existing prohibition on discrimination on grounds of sex and other factors. The impact of the new legislation is set out below in the discussion of the prohibition of racial discrimination by individuals.

Criminal prosecution of racism

12. Section 144A of the Penal Law, 1977, as amended in 1986 and 1992, provides for a penalty of up to five years' imprisonment for a person who incites to racism. Racism is defined in the Law as "persecution, humiliation,

vilification, the display of enmity or violence, or the causing of animosity towards a community or parts of the population, by reason of colour, racial origin or national-ethnic origin".

13. A person who commits, out of racial motives, an offence, inter alia, against a person, a person's liberty or property, an offence involving threats or extortion: offences of hooliganism and public disorder or offences by public officials, is liable to the lesser of either double the punishment prescribed for such offence or 10 years' imprisonment.

14. The possessor of racist material, with the intention of distributing it, is liable to one year's imprisonment and the material is to be confiscated. In the case of Rabbi Ido Alba v. The State of Israel (Criminal Appeal 2831/95) the Supreme Court considered an appeal against a conviction for incitement to racism. The Appellant had written an article justifying the killing of non-Jews who did not follow accepted codes of moral behaviour. He was convicted by the District Court of incitement to racism and sentenced to four years' imprisonment (two of the years being a suspended sentence). The Supreme Court upheld the conviction and the sentence, and after quoting from the International Convention on the Elimination of All Forms of Racial Discrimination, the Court stated, inter alia:

> "The appearance on the scene (in the seventies) of the Kach movement which called for the creation of a Jewish State based on Jewish law and excluding non-Jews brought to a public platform a political party based on a racist ideology ...
>
> This led to legislation intended to combat racism ...
>
> Racism is no longer only a belief in racist theories, it is also a hatred of strangers as such on the basis of different racial or national-ethnical background. Such hatred is an ancient social malaise. The Israeli legislation is intended to eradicate such racism (Justice Matsa, paras. 11, 12, 15).
>
> "Racism is destructive of the democratic social fabric. It violates Israel's international obligations and the need to combat racism is one of the lessons the Jewish people have learned from their history. Every democracy is therefore entitled to abrogate the principle of freedom of speech insofar as incitement to racism is involved (Justice Barak, para. 4)."

15. Persons advocating racial discrimination can be charged with incitement, in violation of articles 133, 136 (1), (2) and (4) of the Penal Law. In a recent case the Court convicted a person so charged. The Judgement states that "the values of the State of Israel include, concurrent with the freedom of expression, abhorrence at any expression of racism. Calling [by the accused] for a campaign against "Satanic Islam" violates the principles of both Judaism and democracy. It is sufficient that there existed a near possibility that the statement would reach the hearing of persons in Israel [for a conviction of incitement]". (The Attorney-General v. David Balhasan, Criminal case 3795/95).

16. In 1994, subsequent to the massacre in the city of Hebron of Muslim worshippers by a Jewish fanatic, the Attorney-General was charged with exploring options for outlawing the Kahana racist movement, which had expressed support for the massacre (although it had not been involved in it). Following the Attorney-General's report, the Cabinet, on 13 March 1994, declared that the two branches of the Kahana movement, Kach and Kahana Chai as well as any other group acting to achieve similar aims by similar means, even if they bore different names or designations, were terrorist organizations and were to be outlawed.

17. In accordance with article 46 (a) (2) of the Second Authority for Television and Radio Law, 1990, the holders of concessions for cable TV services must not transmit any broadcast which contains racial incitement. They are further bound to take any measure necessary to ensure that no broadcast is liable to incite to discrimination on grounds of religion, race, nationality, community, lifestyle or origin.

Prohibition on racial discrimination

18. The Israel Supreme Court has frequently ruled on the impermissibility of racial discrimination. The Court has stated that the prohibition of discrimination emanates "directly from the character of the State as pursuing democracy and freedom" (High Court of Justice case 243/62, Film Studios in Israel Ltd. v. N. Gery, P.D. 17, 2407, 2415)

19. The Court has ruled that "the rule prohibiting discrimination between persons on grounds of race, sex, national group, community, country of origin, religion, beliefs or social standing, is a basic constitutional principle, intertwined and interwoven into our basic legal concepts and forming an integral part of it" (High Court of Justice case 114/79 Burkan v. Minister of Finance P.D. 32 (2) 800, 806).

20. In the Ben Shalom case, the Supreme Court declared that "the principle of equality of rights and obligations of all citizens of Israel is part and parcel of the existence and character of the State of Israel" (Election Appeal case 2/88, Ben Shalom v. Central Election Committee for the Twelfth Knesset, P.D. 43 (4) 221).

21. Chief Justice Barak, in the Poraz case, stated that:

> "Equality is a basic norm of democratic society ... The need to establish equality is vital to society and to the social contract on which society is built. Equality prevents arbitrary government. There is no element more destructive to a society than when its sons and daughters sense discrimination. A sense of inequality is a bitter experience, it harms those elements that unify society and hurts the self-realization of many. (High Court case 953/87, Poraz v. The Mayor of Tel-Aviv-Jaffa, P.D. 42 (2) 309, 332.)"

22. The various rulings and judgements of the High Court of Justice are now encoded in legislation. Basic Law: Human Dignity and Freedom of 1992, as amended in 1994, proscribes:

Article 1. Basic rights of persons in Israel are anchored in the respect of the value of persons, the sanctity of life and in the freedom of man, they are to be respected in the spirit of the principles enunciated in the Declaration of the Establishment of the State of Israel.

Article 4. Every person is entitled to protection of his life, body and dignity.

Article 11. All governmental authorities are obligated to respect the rights under this basic law."

23. Chief Justice Barak, commenting on this Law, has stated that it is based on the premise of "equality of all persons". (Barak, Legal Interpretation, p. 319.)

24. Basic Law: Human Dignity and Freedom has served as the authority for subsequent decisions of the Supreme Court, sitting as a High Court of Justice, regarding protection of individual rights and dignity. A number of Supreme Court decisions have explicitly stated that the principles of equality and non-discrimination now find their legal basis in Basic Law: Human Dignity and Freedom (High Court of Justice case 5394/92 Huppert v. "Yad Vashem" Holocaust Memorial Authority, P.D. 48 (3) 353; High Court of Justice case 453/94, Israel Women's Network v. Government of Israel; High Court of Justice case 721/94; El Al Israel Airlines Ltd. v. Danilevitch P.D. 48 (5) 749).

25. In the recent Re'em case concerning the use of the Arabic language the Supreme Court ruled that:

"Freedom of expression can today be derived from the protection given to the dignity and freedom in Basic Law: Human Dignity and Freedom. Indeed, freedom of expression 'has a wide ideological basis, at the centre of which is a recognition of the value of man, his dignity, the freedom given to him to develop his personality and the desire to have a form of democratic rule'. The need to bring about the self-fulfilment of man is at the foundation of freedom of expression. Justice Agranat considered this in the Kol Ha'am case at page 878, in holding with regard to freedom of expression that:

"... the importance of the principle also rests in the protection which it provides to a clear private interest, that is to say the interest of every person as such to give full expression to his personal qualities and virtues; to nurture and develop his individualism as far as possible; to express his opinion on any matter which he considers vital to him; in short - to say what's in his heart so that life will appear worthwhile in his eyes ... the internal need felt by every man to give open expression to his thoughts is one of the fundamental characteristics of man".

and

"The words 'public interest' are comprehensive, and include a wide range of interests which the general public - and hence also an organized society in the form of the State or the local authority - are concerned

with. Public security and public safety are therefore included within the scope of the public interest. Also included is the public's confidence in public authorities, such as the legislature (and its members), the executive (and its ministers and officials) and the judiciary (its judges and employees). Also included is the public interest in individual rights being realized and tolerance being established and maintained between members of the society, among themselves, and between them and government. The rule of law, the independence of the Judiciary and the separation of authorities are all clear public interests. (Emphasis added) (Re'em Contracting Engineers Ltd. v. The Municipality of Upper Nazareth, and Others Civil Appeal 105/92, P.D. 47 (5) 189.)"

26. The Attorney-General has issued directives to Government Ministries concerning racial discrimination. These directives stipulate that "according to the law in force in Israel, any authority exercising any public function by virtue of law, is prohibited from discriminating on the basis of race, sex, religion, creed, political opinion or any other basis". The prohibition also applies to municipal authorities.

27. In the Re'em case, the Supreme Court ruled that a municipal by-law requiring notices on municipal billboards to be in Hebrew as well as in Arabic, was not valid. Chief Justice Barak stated that:

"My conclusion is supported by the following considerations: Firstly, an Arab minority, whose language is Arabic, lives in the State of Israel. It is its spoken language. It is the language of its religion and culture. The State of Israel respects the use of the Arabic language. As we shall see, it is an official language of the State, but more than that, it is the language of many of the State's citizens. When we are concerned with 'personal' expression, and when the State's role is limited to 'policing', the Arabic speaker should be allowed to express himself in his language, as he wishes. Secondly, tolerance is a central value of our legal system. This is the 'mutual tolerance required in a pluralistic society'. The Deputy President, Justice Elon, considered this in stating:

"... This is the doctrine of leadership and rule in the cultural heritage of Israel - that the opinions and philosophy of each and every person and each and every group should be tolerated. And this is the great secret of tolerance and paying attention to others, that is the great strength of each and every person and each and every public body expressing their opinion ...

And I also considered it in stating:

"... The democratic regime is based on tolerance ... tolerance of the acts and opinions of others and also tolerance of the intolerant. In a pluralistic society such as ours, tolerance is the force which unites us and enables us to live together ...

"Indeed, tolerance is a central value in public order. If every individual in a democratic society wished to realize all his desires,

the end result would be that society would not be able to realize a minority of desires. It is in the nature of things that orderly social life is based on mutual waiver and mutual tolerance. Tolerance is the aim and the means together. It is a social aim which should be aspired to. It is a means of balancing different social aims. President Shamgar considered these two aspects, in stating:

"In my opinion, the dominant foundation is the public one, that which shapes, inter alia, rules regarding the relationship of a well-run society to the individual's personal, emotional feelings and human dignity, provided that their realization does not materially infringe the rights of others. Human beings which are part of a given society are called upon to respect the individual's personal, emotional feelings and his human dignity, through tolerance and understanding, because personal, emotional emphasis differ from person to person and because a free society does not aspire to a collective of beliefs, views or feelings. A free society minimizes the limitations it places on the individual's voluntary choices, and is patient, tolerant and even tries to understand the other, even with regard to ways which the majority do not view as acceptable or desired. Just as one must accept and respect society's right to nurture its culture, national language, historical traditions and values etc., a willingness must also prevail to live with other individuals in a society, who choose [a way of life] which is not identical to the trends and aspirations of the majority of the society. Just as one should not obstruct the progress of someone who wishes to legally advance the exclusive imposition of the Hebrew language in our lives, and even the purity of its pronunciation, and just as one should not fetter the majority or part of the public which wishes to properly foster an approach promoting a national language, tradition and culture, so one can also not prohibit an individual who has a different opinion from expressing an opposite personal or even public attitude. In a free society, there is room for many different views, and the existence of freedom in the society is, in practice, proven by the creation of the correct balance, with the assistance of which we aspire to allow everyone to personally express himself in the manner he chooses. This is the essence of tolerance: it permits a variety of views, freedom of argument and freedom of conscience, provided that they do not create a danger to the community or another individual.

"Tolerance towards the publisher of a notice requires that great weight be given to his aspiration to express himself in the language of his choice. If somebody wants to approach a limited target audience speaking his language, a democratic society which is founded on tolerance should not prevent him from so doing.

"The issue is the individual, his conscience and his freedom. Indeed, against the background of the strength of the Hebrew language on the one hand, and the need for tolerance towards the speaker of a foreign language on the other, it is clear that in balancing the individual's freedom of expression and language in his relationships with other individuals, through the medium of notice boards, and the interest of the Hebrew language, the former interest prevails.

"Before I finish, I wish to make three concluding remarks. Firstly this judgement is based on freedom of expression and language. It is based on the freedom of the publisher to choose any language he wishes as a means of expression and thought. There is therefore no need to examine the special status of Arabic as an official language. This status is recognized in Israel ... It is based on the social reality in which a significant minority of the State's citizens are Arabic speakers. However, as stated, this judgement is not based on the official nature of the language but on the right of the individual to publish in the language of his choice. Accordingly, every Arabic speaker has the right to publish a notice in Arabic or in any other language he wishes, on a municipal notice board."

Prohibition on racial discrimination by individuals

28. As regards legislative prevention of discrimination, the initial emphasis in Israel was placed on preventing discrimination by governmental or public bodies of any kind. It is believed that this has been achieved, and any discrimination by such bodies is clearly illegal. The Government, by administrative action, strictly enforces the rules against such discrimination. The Supreme Court, acting as a High Court of Justice, supervises the implementation of the prohibition against discrimination by government or public bodies. Racism is, as detailed above, an offence against the Criminal Law and racist behaviour is prosecuted.

29. The outlawing of discrimination by individuals against each other has, however, developed more slowly.

30. There is legal opinion in Israel that, following the adoption of Basic Law: Human Liberty and Honour, the norms prohibiting discrimination by public bodies now apply to all private transactions. There is however, as yet, no clear Supreme Court decision supporting this view. In his book Legal Interpretation, Israel's Chief Justice Barak has intimated that the degree to which the State should intervene to prevent discrimination by one individual against another should depend on the degree to which a service is being offered to the public at large. Chief Justice Barak brings the example that the State should intervene to prevent discrimination by a restaurant owner against different customers but should not intervene where a person is letting a room in his or her private apartment.

31. A major development in applying the rule against discrimination to individuals, as well as to public bodies, was the adoption of the 1995 Amendment to the Equal Opportunity in Employment Law, 1988. The law prohibits discrimination by any employer, who employs six persons or more. Originally, discrimination was described as "discrimination by reason of sex, family status, parentage or sexual preference". In 1995 this law was amended to include a prohibition of discrimination on grounds of "national ethnic origin, country of origin, beliefs, political views, political party affiliation or age". The law also prohibits the defining of conditions for recruitment that would have the effect of discrimination.

32. This law, as amended, has thus extended to private persons and private transactions the previously existing prohibitions against discrimination in employment by public bodies.

Affirmative action

33. In recent years there has been a change of emphasis in Israel on the issue of discrimination. In the past, the formal-technical aspect was seen as paramount, namely that the legislative framework should provide equal opportunity for all. In Israel, as in other countries, the emphasis has moved to the need for affirmative action.

34. This change is reflected in the judgement of Supreme Court Justice Theodore Orr in the Avitan case where he states:

> "The principle of equality serves to achieve equitable results. It is not the 'technical' or 'formal' equality that requires protection but the substantive equality, namely equality between equals. Persons or groups of people differ in their conditions, attributes and requirements and at times there is a need to discriminate between those who are not equal in order to protect, encourage and advance the weak or needy. Equality between those who are unequal can be a travesty. (High Court of Justice case 528/88 Avitan v. Israel Lands Administration and Others P.D. 43 (4) 297, 299.)"

35. In the Israel Women's Network case, Supreme Court Justice Eliahu Matsa states:

> "[Affirmative action] is an element of equality that integrally derives from the very principle of equality and is one of the major guarantees of the implementation of equality (as is the Canadian view) and it is not just a tolerated exception to the principle of equality (following the restrictive view adopted in the US) (High Court of Justice case 453/94 Israel Women's Network v. Government of Israel P.D. 44 (5) 529)."

36. Israel, being an immigrant society, inevitably suffers at times from the inherent friction that can exist between different immigrant groups. The Israel experience is that each new group of mass immigration tends to find itself, at first, at the bottom of the social-economic ladder. It can sometimes take a generation for an immigrant group to establish itself socially and economically. The growing rate of intermarriage between the different immigrant groups has however contributed to the relatively coherent homogeneity of the Israel-born population.

37. An example of a recently-immigrated society is the Ethiopian community, which today numbers some 57,000 persons.

38. The Ethiopian Jews have large families; some 60 per cent of the community are under the age of 18. In addition, there is a very high percentage (about 25 per cent) of one-parent families, about three times the rate for other Israelis.

39. The integration of Ethiopian Jews into Israeli society has raised some major challenges. Therefore the Ministry of Immigrant Absorption and the Israeli Government have adopted a number of principles, among them:

(a) The adoption of a clear policy of preferential treatment (affirmative action) for the Ethiopian community with regard to housing, education and integration into employment, a policy which has expanded and become much more comprehensive in the past three years;

(b) The allocation of special resources for the absorption of this community in Israel. The State of Israel invests an average of 3-4 times as much in the absorption of each Ethiopian immigrant as in immigrants from other countries.

40. The Ministry of Absorption initiated an unprecedented special mortgage programme for Ethiopian immigrants. The mortgages are equivalent in value to 85-90 per cent of the price of the apartment, with a ceiling of $120,000. The mortgage includes a grant of 85-90 per cent of the amount of the mortgage and the monthly payments are up to $56. An immigrant family from the former Soviet Union, in comparison, is eligible for a $32,000 governmental mortgage, of which 25 per cent is given as a grant.

41. The efforts to integrate the Ethiopian Jews into employment focused on providing basic skills, assisting them in making the transition from their traditional professions to the professions available in an industrial society.

42. A survey published by the Brookdale Institute showed that the overall rates of employment for Ethiopian men were similar to that of other Israelis. However, middle-aged and older immigrants had much lower participation rates than veteran Israelis, with the gap widening with age. The employment rate for women was significantly below that of other Israelis, but increased over time. One of the main factors that created this high rate of unemployment is the relatively high percentage of single-parent families on the one hand, and families with a large number of children on the other hand. The women are beginning to enter the labour force, their participation gradually increasing over time. The younger men (up to age 35) have achieved employment rates comparable to other Israelis.

43. According to the survey, over 50 per cent of those employed were in skilled jobs, as defined by the Central Bureau of Statistics, such as metalworkers, carpenters, electricians, bookkeepers and community workers.

44. Ethiopian children were first placed in separate classes within the school in order to provide them with basic language instruction and with the basic background they would need to integrate into regular classes. They participated in these classes for about a year and in a special survey conducted in 1993 by Brookdale, 70 per cent were found to have been integrated into regular classes.

45. In order to assist the schools in addressing the challenge, a variety of special assistance programmes were instituted. These include an allotment of extra teaching hours per child (1.7 hours per week with no time limitation for those who came after 1 January 1991). This is in comparison with the limited assistance for one to three years provided to immigrants from other countries. They also included supplementary after-school programmes.

46. There remain significant gaps in performance between Ethiopian children in elementary schools or completing high school, and other Israeli children. There are reports that there may be problems of irregular attendance among sub-groups, although these have not been documented. Reported drop-out rates are lower among the Ethiopian community than in the general Israeli population.

47. Approximately 380 Ethiopian children who have been identified as gifted studied in 1996 in the top schools throughout the country, within the framework of a special project to identify and encourage gifted children among the Ethiopians.

48. A special emphasis has been put on affirmative action policy towards Ethiopian immigrants in order to integrate them into higher education, to promote social mobility and create leadership and role models. The assistance has included:

(a) Special supplementary high school years of study to enable them to complete their high school matriculation exams, which are a prerequisite for higher education;

(b) Special scholarships to attend institutes of higher education;

(c) Special optional preparatory classes (for one or two years) in Israel's universities and post-secondary institutions to prepare the Ethiopian immigrants for the entrance exams;

(d) Auxiliary tutoring during their studies;

(e) Student housing provided at the government's expense to most students; and

(f) Living stipends provided (only to Ethiopian students) to help them devote themselves more fully to their studies.

These efforts have borne fruit. The consistent increase in the number of students is shown in the table:

Number of Ethiopians studying in post-secondary institutions and attending preparatory courses in Israel, 1992-1995

Year	Preparatory students	Degree students	Total
1991/92			145
1992/93	55	185	240
1993/94	131	219	350
1994/95	172	306	478
1995/96	411	480	891*

* Approximately 100 students who began their preparatory studies during 1996 should be added to this number.

49. The Arab community has maintained its separateness in terms of language, religion and customs. The Arab community in Israel enjoys full equality in civil and political rights. They have the right to elect and be elected in municipal and national elections. This right is exercised and all Arab cities have Arab mayors. There are Arab political parties and Arab members of the Knesset (parliament). Arabic is an official language and is used in Courts and in official documents. Arab members of the Knesset sit on parliamentary committees and have served as deputy speakers of the Knesset. There have also been Arab deputy ministers. Arabs serve as judges and there are at present Arab judges at both the Magistrate and District Court level. Arabs serve in the civil service, reaching high rank, including, for the first time, the appointment in 1996 of a head of a diplomatic mission with the rank of Ambassador. Arabs are not conscripted to military service but may volunteer to do so. Of those who have volunteered some have reached high rank in the Israel Army. Among the Druze community, the most senior rank reached was that of Brigadier-General.

50. Nevertheless there exists an undeniable gap between the Jewish majority and the Arab minority as regards the standard of living and involvement in national affairs. Part of this is a reflection of the external security situation and the fact that Arabs are not conscripted into the Army and few volunteer, the majority of the Arabs is thus denied involvement in what is still a vital element of Israeli society. Another factor is that a large proportion of Israeli Arabs live in villages where they engage only in small-scale farming.

51. The gap between the Jewish majority and the Arab minority has been considerably diminished over recent years but nevertheless, regrettably, still exists and is reflected in statistics.

Life expectancy at birth, male	Life expectancy at birth, female	Infant mortality per 1 000 live births
Jews		
75.9	79.7	5.6
Arabs		
73.8	77.1	9.7

Pupils in schools by age groups, rates per thousand, figures for 1993/1994

Age 6-13	Age 14	Age 15	Age 16	Age 17
Jews				
955	998	978	930	866
Arabs				
958	742	705	603	525

Persons aged 15 and over by type of school last attended, percentage figures for 1995

Did not attend school	Primary and intermediate	Vocational	General	Post-secondary	Academic
Jews					
3.0	12.9	23.1	24.6	12.4	21.8
Arabs					
8.9	37.6	5.7	33.5	5.9	8.4

52. In the ninth to twelfth grades, during 1995, 5.2 per cent of the students in Hebrew schools dropped out of the educational system while in the Arab educational system, the figure was 8.3 per cent.

53. Out of the total student population in Israel, the percentage of Arab students studying at universities for first degrees, in 1992/93, was:

Engineering and Architecture - 4.9 per cent;

Agriculture - 1.7 per cent;

Science and Mathematics - 8.2 per cent;

Medicine - 7.5 per cent;

Law - 6.0 per cent.

54. Detailed statistics for the year 1995 (the latest date for which data are available) appear in Annex II to this report, as follows:

(1) Marriages, divorces, live births, deaths, natural increase, infant deaths and stillbirths, by religion.

(2) Live births, deaths and infant deaths, by type of locality of residence, population group and religion.

(3) Life expectancy by sex and population group.

(4) Life expectancy at selected ages by sex and population group.

(5) Households by housing density, religion, continent of birth, period of immigration, and type of locality of residence of household head.

(6) Unemployed, by sex, population group, age, years of schooling and work during last 12 months in Israel.

(7) Convictions of grievous offences in criminal cases, by various characteristics.

(8) Per cent convictions in which penalties were imposed by type of penalty and characteristics of the convicted.

(9) Schools in the educational system.

(10) Classes in the educational system.

(11) Pupils in educational institutions.

(12) Pupils in grades 9 to 12, by grade and school leaving.

(13) Examinees in matriculation exams by qualification for certificate and various characteristics.

(14) Children placed away from home by the Department of Child and Youth Care and financed by the Ministry of Labour and Social Welfare.

(15) Students in universities, by degree, field of study, sex, age, population group and origin.

55. The Arab school system uses Arabic as the language of instruction and the curriculum reflects Arab culture and Islamic or Christian religion or traditions, in addition to teaching Hebrew language and literature. There are teacher training colleges affiliated with the Arab school system where the language of instruction is Arabic. However, universities, post-secondary level colleges and specialized technical schools are fully integrated.

56. The Israeli Government is making a determined effort to eradicate the gap between the Jewish majority and the Arab minority. Some five years ago the Government initiated a programme of eradicating this gap by means of legislation, affirmative action and special budgetary allocations to the Arab community. The annual budget earmarked for the Arab community increased since 1992 by approximately 160 per cent. Some of the affirmative measures taken are set out in summary form below.

Government employees

57. By decisions of the Government of 21 March 1994 and 14 March 1995, the Government decided that some 189 academic civil service positions would be filled without being subject to the regular rules of public competition. The Government decisions set out explicitly that as regards these positions, preference would be given to Arab academic applicants. All notices of vacant civil service posts are published in Arabic as well as in Hebrew. As a result of the various efforts, some 300 Arab academics were recruited into the civil service in the years 1994-1995.

Public housing

58. The Ministry of Housing devotes a special budget to public housing in the Arab sector of the population. In 1995 the Ministry allocated 26,103,000 NIS in the District, the largest single allocation being to the city of Nazareth; 20,457,000 NIS in the Haifa District, the largest single allocation being to the township of Um El Faham; 8,400,000 NIS in the Central District, the largest single allocation being to the township of Taibeh, and 3,350,000 NIS in the Jerusalem District, the largest single allocation being to the village of Abu Ghosh.

Health

59. In 1995 the National Health Insurance Law came into effect thus granting compulsory health insurance to the whole population including the 4 per cent of the population who were previously uninsured. Most of the previously uninsured came from the minority communities.

60. During 1995, in addition to health services such as hospitals, that serve the whole of the population, special attention was devoted to services intended specifically for the Arab population.

61. The professional personnel of the drug rehabilitation centre in the Arab city of Nazareth are funded by the Ministry of Health. A drug rehabilitation hospitalization centre serving the Arab population of Western Galilee is partially funded by the Ministry. The professional personnel of the Mental Health Centres in the cities of Ramla and Taibeh are funded by the Ministry.

62. In 1995 a one time allocation of 1,500,000 NIS was made to the Scottish Hospital in Nazareth and a smaller grant was made for professional courses at the English Hospital in Nazareth.

63. Emphasis was placed on setting up Family Health Centres in Arab villages and townships. The Ministry of Health provided partial funding for the building of 20 new Family Health Centres in Arab settlements during 1994 and 30 during 1995. The total budget for the project is 33,600,000 NIS to be spent over a period of four years.

64. Four projects for the prevention of infant mortality in the Arab population were initiated in 1994. An emphasis was placed on the prevention of genetic defects. Such defects are more common in the Arab community than in the Jewish community because of the prevalence, in Arab communities, of marriage between relatives. The projects therefore deal with the social aspects as well as medical ones.

65. A course for qualified Bedouin nurses has been opened, with a hope that they will serve as role models for the Bedouin community in the field of primary preventive service.

66. Further programmes aimed specifically at the Arab community include health education classes in 64 Arab elementary schools; community programmes which concentrate on high risk populations; a project for prevention of child accidents; promotion of sanitary conditions.

Religious services

67. The Ministry of Religious Affairs maintains a Muslim Affairs Authority whose function is to assist in the provision of Muslim religious activities.

68. During 1992, the Ministry provided 260,000 NIS for the maintenance of Muslim religious sites. During 1993, the sum was 170,000 NIS and in 1995 it was 3,400,000 NIS.

69. The Ministry coordinates the facilitation of the pilgrimage of Israeli Muslims to Mecca.

70. In 1995, in order to provide more suitable accommodation for the Islamic Courts, three new premises were rented by the Ministry for Religious Affairs. The Ministry is in the process of computerizing the work of these Courts.

Foreign service

71. In 1996 an Israeli Muslim Arab has for the first time been appointed as an Ambassador of Israel (Ambassador to Finland). Israeli Druze have served in senior diplomatic positions, including that of Consul-General, but this is the first time an appointment as ambassador has been made.

72. Special efforts have been made by the Foreign Ministry to recruit Arab and Druze cadets to the Foreign Service. In order to increase such recruitment, recruitment notices were published in the Arabic press.

Education, culture and sport

73. In 1991 the Ministry of Education, Culture and Sport initiated a five-year plan to increase the number of new classes in the Arab school system. As a result of this programme, 1,077 new classrooms were built. Of the total budget for new classrooms during the five-year period, 59 per cent was spent on the Hebrew school system, 33 per cent on the Arab school system and 8 per cent on the Druze schools.

74. In 1995/96 the total number of schoolchildren was 1,277,000. Of them 228,000 were Arab (17.9 per cent).

75. Special effort is made to encourage Arab schoolchildren to continue their studies to age 18. In 1996 a budget of 4,130,000 NIS was allocated to advisors and facilities for this purpose. Emphasis is being put on scientific-technical schooling. At present 19 per cent of Arab students participate in such schooling, the aim is to raise this to 35 per cent. During 1995, 1,260 computers were placed in Arab schoolrooms at a cost of 6.8 million NIS. In 1995, a special allocation of 27,000 funded teaching hours was made to the Arab school system, beyond the stipulated norm of teaching hours per pupil. In 1995-1996 the Ministry of Education funded 679 educational TV programmes in Arabic.

76. There are at present 1,738 Arab students at teacher training colleges. Some attend Hebrew speaking colleges while most prefer to attend Arabic speaking colleges. This number is in addition to those students attending Israeli universities and studying to be teachers.

77. In addition to Arab school teachers, the Ministry of Education employs approximately 80 Arabs in senior managerial and supervisory posts.

78. A special programme for gifted Arab children was initiated in 1993. In 1996, 1,655 Arab schoolchildren were participating in such programmes.

79. The Ministry of Science allocated, during 1995-1996, 1,800,000 NIS for Arab researchers in the field of science. This sum included scholarships for seven Arab doctoral and post doctoral students.

80. The Arab cultural scene receives government encouragement and in 1996, 12,300,000 NIS were allocated to supporting Arab cultural events.

81. In the five-six age group, 90 per cent of Arab children attend pre-school programmes. This is lower than the percentage for Jewish children (98 per cent) and efforts are being made to increase attendance of Arab children. Part of the reason for the discrepancy is explained by the fact that fewer Arab women work outside their homes and therefore there is less demand for pre-school facilities.

82. The Foreign Ministry has given financial support to various activities in the Arab sector including: the Salaam Dance Group; a municipal delegation from Nazareth to a conference in Nice; a delegation from the community centre in Kfar Yassif to a festival in Hungary; the Daburiya dance group tour to Turkey.

Agriculture

83. In 1994-1995 the Ministry of Agriculture allocated 23 million NIS for development of agriculture among the Arab population. Particular emphasis was placed on fishing, olive oil and sheep breeding. Another 11 million NIS was allocated for development of water resources in Arab settlements.

84. Due to nationwide water shortage, the allocation of water for agriculture among the Jewish population was cut during 1995 by between 10-20 per cent. There was no cut in the water allocation to Arab agriculture.

Employment

85. In 1995 the total Arab population over the age of 15 was 636,600. Of this number the potential number of workers was 264,700. The number of employed persons was 249,200 and the number of unemployed was 15,500, that is 5.8 per cent of the work force. The percentage of unemployed among the Jewish population at the same time was 6.6 per cent.

86. The Government Employment Service conducts vocational retraining programmes for unemployed workers and helps them obtain employment. National Insurance provides a minimum wage for unemployed persons. Needless to say, no distinction is made between Jews and Arabs.

Arab local government

87. In 1991 the Ministry of Interior began implementing a programme of special grants to Arab Local Councils. In 1991 the grant was 135 million NIS. Over the last five years the grant was increased annually by 20-30 per cent so that the 1995 grant was 489 million NIS.

88. The Ministry of Interior has initiated an accelerated programme for authorizing town planning programmes in Arab towns and villages. Since 1991, 36 per cent of the Arab towns and villages had their plans approved as compared to 28 per cent of Jewish towns and villages. A sum of 9.5 million NIS has been allocated for town planning of an additional 41 Arab towns and villages. During 1996 an additional grant was made of 200,000 NIS for town planning of eight Bedouin camps in the north of the country and an additional 550,000 NIS has been allocated for this purpose in 1997.

89. In June 1997, the Government designated 31 Arab towns and villages in the northern region of the country as part of a budgeted programme of town-planning whereby 13,500,000 NIS will be invested. Plans for towns and villages will be completed by the year 2020, in order to alleviate problems such as illegal construction of housing.

Encouraging manufacturing in Arab towns and villages

90. The Ministry of Industry and Trade began, in 1992, a programme to encourage the establishment of manufacturing industries in the Arab sector. The budget for the year 1992 was 2,300,000 NIS. This allocation has been increased annually and the budget for 1995 was 15,000,000 NIS.

Public works and electricity

91. In 1995-1996, a sum of 24,600,000 NIS was allocated for road works in Arab towns and villages.

92. All but 9,000 households in the Arab sector are connected to the national electricity grid. These 9,000 houses do not meet building safety standards. An effort is being made to solve this issue.

93. In 1995 the Ministry of Energy had a total budget of 5,400,000 NIS (on 28 July, the exchange rate was 3.55 NIS to $1) for connecting towns and villages to the national electricity grid; of this sum 40 per cent was earmarked exclusively for Arab settlements.

Telephone service

94. There are some 100,000 telephone lines serving customers in Arab villages and towns. This number does not include Arabs living in the mixed Arab and Jewish towns of Jerusalem, Haifa, Lod and Acre. Demand for new telephone lines can be met with no substantial delay. In 14 Bedouin villages, cellular public telephones were installed in 1995 as it was not physically feasible to install telephone lines.

Tourism

95. A concerted effort has been made to encourage the development of the tourist industry in Arab villages. In the period 1991-1996 the Ministry of Tourism gave over 32,000,000 NIS in grants for development of the necessary tourist infrastructure. The Ministry conducts professional training courses and provides expert counselling for tourist developers.

Labour and welfare

96. The Ministry of Labour and Welfare allocated, in 1995, 97 million NIS for social welfare among the Arab population. The Ministry employs 346 Arab social workers in welfare work among the Arab population (in 1992 the number was 78). A further 9,600,000 NIS were allocated in 1995 for welfare development projects in the Arab sector such as geriatric and family centres. The Ministry cares for 1,890 mentally handicapped Arab children. Government rehabilitation centres care for 612 Arab handicapped persons. There are other facilities organized by the Ministry of Welfare for the Arab population including hostels for battered women, youth centres and probation services.

Environment

97. As part of a policy of affirmative action in the Arab sector, the Ministry of Environment identified four major objectives: expansion of infrastructure; improvement of urban planning; regulation of commercial licensing - with special emphasis on prevention of land and air contamination and noise abatement; and utilizing the school system and youth movements for educating youth on environmental issues.

98. In the last three years, seven new environmental units have been established in the Arab sector, all the personnel being Arabs.

99. Since 1993 the budget for waste recovery in the Arab sector has been increased fourfold and now stands at 28 per cent of the total Israel budget for waste recovery.

Housing loans

100. In 1992, following an appeal to the High Court of Justice, the Ministry of Building and Housing changed its policy as regards granting housing loans to young couples. Previously, military service had been a condition for granting certain housing loans in development areas. This condition had the effect of discriminating against Arabs as most of them do not serve in the armed forces. This condition has been revoked.

Article 3

101. Apartheid has always been regarded as abhorrent by the Israeli Government and society and continues to be so regarded. Apartheid has never been practised in Israel. There exist in Israel no restrictions of any kind as to place of residence nor is there any segregation of any kind.

Article 5

102. Equality before the law is guaranteed under the basic tenets of Israeli law and society. The existence of an open democratic society with universal suffrage, vocal opposition parties, an independent judiciary and a free press, serve to ensure the maintenance of such equality.

103. There are no restrictions as to place of residence of members of different religious, ethnic, national or racial groups. Nevertheless Arabs and Jews tend to live in separate settlements. There is one village with a balanced Arab-Jewish population and one such mixed Arab-Jewish local council. Most cities tend however to be overwhelmingly either Arab or Jewish. Some cities, notably Jerusalem, Haifa, Acre, Ramla, and Lod have Jewish majorities with Arab minorities. In these cities lower income groups tend to live in separate suburbs, while in higher income groups, mixed suburbs are more common.

104. Government policy in the past has been to pay supplemental National Insurance payments to families of persons who had been called up at any time for military service. This policy was criticized as discriminating against the Arab population as they are not conscripted and the vast majority of them do not volunteer for military service. The Government has decided to abolish this differentiation and to equalize payments of all the population with that of families of persons who have been called up for military service. A special budget allocation was made to cover the increased cost of payments to the Arab community, thus incurred.

105. Until 1994, teachers at Arab speaking schools required security clearance. This measure was taken to ensure that persons who might exploit their position as educators to incite or promote threats to the security of the population, were not admitted into the system. Since 1994 this requirement has been abolished.

Article 6

106. The main bulwark of the individual "against any acts of racial discrimination which violate his human rights and fundamental freedoms" is the court system. The court system is open to all without discrimination, including to non-citizens of Israel. The individual can sue both other individuals and the Government for any wrong or harm done to himself or his property and can claim compensation or an injunction. In addition to the normal court procedure, the Supreme Court, sitting as High Court of Justice, can and does issue writs against the Government and public bodies.

107. In addition to the court system, there exist other avenues of redress in cases of discrimination. There are members of Knesset, who frequently avail themselves of the parliamentary right to compel government ministers to answer parliamentary questions. There is a vocal press, including an Arabic press. There is an independent State Comptroller who also acts as a Public Complaints Commissioner; and in employment matters, the Ministry of Labour; the Labour Courts system; and, when the civil service is involved, the recourse available is through the Supervisor of Discipline in the civil service.

108. The Public Complaints Commissioner is a function of the State Comptroller under Basic Law: State Comptroller (enacted in 1988) and the

State Comptroller Law (Consolidated Version), 1958. The Commissioner's function is to handle direct complaints from the public, investigate them, and recommend means of redress when such complaints are found justified. The Commissioner has investigatory powers, however, it has no powers of enforcement of its recommendations, and they do not carry any evidentiary weight in further legal proceedings. Nevertheless, the custom and practice that have developed over the years point to considerable deference that is accorded to the Commissioner's recommendations, similar to that accorded to the State Comptroller's recommendations. Thus, for example, past recommendations to pay damages when violations of rights were found, have always been complied with. When recommendations are not being complied with, the Commissioner is authorized to bring the matter to the relevant Minister or to the Knesset State Audit Affairs Committee. Furthermore, in cases where the complaint is the consequence of reprisal against the complaining person's former disclosure of corruption, the Commissioner is authorized to issue orders, including orders of reinstitution to office. Any person may complain against any organ that is under the supervision of the State Comptroller, namely governmental, municipal and other public institutions.

Article 7

109. Israel is a very open society with a vocal parliamentary opposition, a free press including multiple TV and radio stations and a politically active electorate. Activities in Israel have traditionally been very newsworthy and the foreign press corps stationed in Israel is larger than that in most major European countries. These elements combined with the existence of an independent judiciary and an active Ombudsman's office ensure a very full public airing of any complaint as to abuse of human rights, real or imagined.

110. There are a number of voluntary organizations in Israel monitoring human rights. Among the organizations are the Association for Civil Rights in Israel, which is affiliated with the International League for Human Rights, New York and the Fédération internationale des droits de l'homme, Paris, the Arab Association for Civil Rights and Al-Tallah (Association for litigation to promote equality).

Specific activities encouraging Arab-Jewish understanding

111. In 1994 the Ministry of Education adopted a new civics studies curriculum that emphasizes human rights and universal democratic principles, including the International Declaration of Human Rights. This curriculum is identical for Arab and Hebrew schools.

112. Beit Hagefen was founded in 1963 in the city of Haifa as a meeting place for social and cultural encounters between Jews and Arabs and to encourage and promote Jewish-Arab understanding and coexistence. The centre operates as a non-partisan association and is supported and funded by the Haifa Municipality, the Ministry of Education and Culture and Sport, the Ministry for Foreign Affairs and private donors.

113. Beit Hagefen sponsors cross-cultural encounters for all age groups, courses, women's clubs, a library, an art gallery, an Arab theatre, and a training centre for education for democracy and coexistence. Special emphasis is placed on special events and activities such as the Arab Book and Culture Month and the Hanukah-Christmas-Ramadan Festival.

114. The Beit Hagefen Arab Theatre puts on theatre performances in Arab towns and villages all over Israel. It has participated in the New Generation Festival in New York and the Peace Festival in Brussels and won first award at the Acre Festival. In 1995 it received a grant of 322,000 NIS from the Ministry of Foreign Affairs.

115. Beit Hagefen has a visitors' centre which sets itself the goals of:

1. Enabling the visitor to reach a deeper understanding of Arab-Jewish relations in Israel;

2. Creating an awareness of the importance of neighbourly relations and coexistence;

3. Transmitting and disseminating the values of tolerance, coexistence and peace; and

4. Presenting the city of Haifa and its population as a model for how Jews and Arabs can live together as good neighbours in friendship and in peace.

116. Neve Shalom/Wahat al-Salaam is a cooperative village of Jews and Arabs situated equidistant from Jerusalem and Tel-Aviv-Jaffa. It advocates coexistence between Jews and Arabs.

117. Neve Shalom/Wahat al-Salaam has created a bilingual educational framework consisting of a kindergarten and school with an enrolment of 90 children. The Jewish and Arab teachers each speak exclusively in their own language to all of the children. The school and kindergarten are officially recognized by the Ministry of Education. The aim is to provide a model that will be directly imitated elsewhere in places of mixed population such as Ramla, Jaffa, Acre, Haifa etc.

118. A School for Peace has also been established at the village directed and facilitated by a joint Jewish-Arab professional staff. By 1994 some 15,000 young people had attended School for Peace encounters.

119. The Ministry for Religious Affairs arranges meetings between the heads of the Christian, Jewish and Islamic religions in Israel in order to increase interfaith cooperation.

120. The Ministry of Education supports Arab-Jewish summer youth courses at universities and scientific research centres. A special effort is made to encourage Arab youths to participate in these courses and they are advertised in the Arabic press.

121. The Ministry of Education encourages meetings between Jewish and Arab teachers. A course is held on Arab-Jewish cooperation. In 1993, 100 teachers attended such courses. In 1995 the number of teachers attending such courses was 400. In 1995, 15 seminars were held in Jerusalem for Arab high-school students. In these seminars the students visited the President's residence, the Supreme Court and the Knesset and met with officials and parliamentarians.

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